

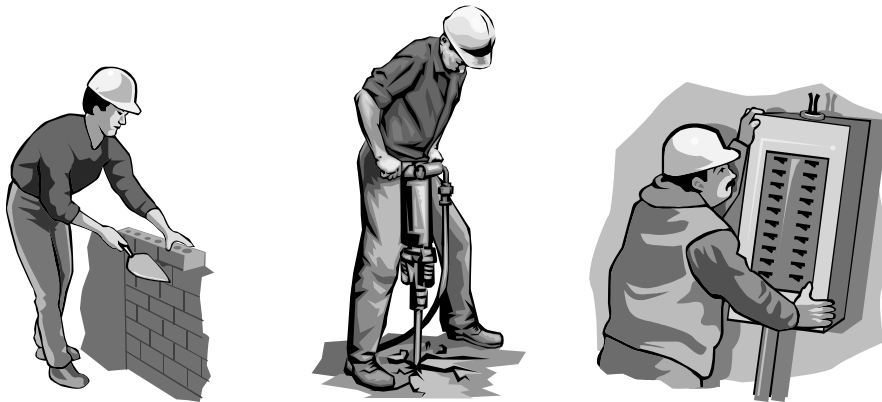
LABOR NEWS

A Publication of the ARKANSAS DEPARTMENT OF LABOR

Mike Huckabee, Governor

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U.S. DEPARTMENT OF LABOR CONDUCTING DAVIS-BACON PREVAILING WAGE SURVEY IN ARKANSAS

The U. S. Department of Labor – Wage Hour Division will be conducting a Davis Bacon Prevailing Wage Statewide (all counties in Arkansas) Survey. This survey will be conducted on building, heavy, highway and residential construction projects that were active January 1, 2003 through December 31, 2003.

The regional office anticipates contractors should begin receiving surveys requesting wage data within the next 45 days. Contractors are encouraged to respond and participate in the request for wage data. Wage data provided by contractors determine Davis-Bacon minimum wage rates Arkansas workers receive.

The Davis-Bacon Act, as amended, requires that each contract over \$2,000 to which the United States or the District of Columbia is a party for the construction, alteration, or repair of public buildings or public works shall contain a clause setting forth the minimum wages to be paid to various classes of laborers and mechanics employed under the contract. Under the provisions of the Act, contractors or their subcontractors are to pay workers employed directly upon the site of the work no less than the local prevailing wages and fringe benefits paid on projects of a similar character. The Davis-Bacon Act directs the Secretary of Labor to determine such local prevailing wage rates.

Questions regarding this survey should be directed to:

Bobby Mitchell – Wage Analyst
525 Griffin Street – Room 800
Dallas, Texas 75202
Telephone Number: 972-850-2621
Fax Number: 972-850-2601
E-Mail Address: Mitchell.bobby.d@dol.gov

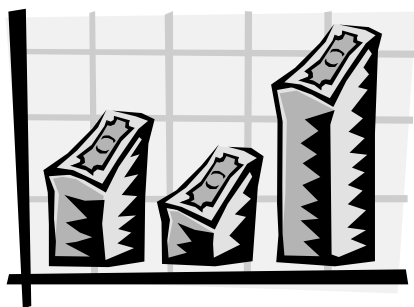
STATE ELECTRICAL LAW CHANGES

By Ron Baker, Labor Code
Enforcement Administrator

Act 1055 of 2003 empowered the Board of Electrical Examiners with the authority to assess civil penalties for violations of the state licensing and code enforcement laws. Following the passage of this Act the Board of Electrical Examiners promulgated rules and regulations to enact the implementation of this legislation.

After April 1, 2004, any person, firm, or corporation violating the state minimum code standards or any condition of electrical licensure will be subject to a civil money penalty. The Board of Electrical Examiners establishes the minimum code standards for the state. Currently, the minimum state standard for electrical installations, maintenance, or repair is the 2002 version of the National Electrical Code. In addition, any person performing work in the state must first obtain a license issued by the Arkansas Department of Labor. Failure to obtain the appropriate license could result in a civil penalty being assessed against the employee and the employer.

The rules and regulations may be viewed on the Department of Labor website. The web address is: http://www.arkansas.gov/labor/divisions/electricalexam_p1.html Specific questions can be directed to the Electrical Division by calling 501-682-4548.



STATE MINIMUM WAGE RATES COMPARED

In our last issue of *Labor News*, we told you that the South recorded the highest percentage of wage and salary workers who were paid the federal minimum wage of \$5.15 or less, 3.7 percent. The West registered the lowest share at 1.8 percent. West Virginia was the state with the highest proportion of hourly workers paid \$5.15 or less (5.6 percent), and the state of Washington had the smallest proportion at 0.7 percent.

The federal minimum wage rate became \$5.15 per hour on September 1, 1997 and Arkansas's minimum wage followed suit on October 1, 1997. But how many states have a state minimum wage rate higher than the federal rate of \$5.15, and how many have one lower? Lets take a look:

STATES WITH MINIMUM WAGE RATES HIGHER THAN THE FEDERAL \$5.15	
Alaska	\$7.15
California	\$6.75 \$8.50 Indexed Rate - (San Francisco Ordinance applicable to employees who work 2 or more hours a week. Rate does not apply to businesses with fewer than ten employees or nonprofits until January 2005.
Connecticut	\$7.10
Delaware	\$6.15
District of Columbia	\$6.15
Hawaii	\$6.25
Illinois	\$5.50 – Applicable to employers of four or more employees, excluding family members)
Maine	\$6.25
Massachusetts	\$6.75
Oregon	\$7.05
Rhode Island	\$6.75
Vermont	\$6.75 – (Applicable to employers of two or more employees)
Washington	\$7.16
STATES WITH MINIMUM WAGE RATES LOWER THAN THE FEDERAL \$5.15	
Kansas	\$2.65
Minnesota	While the State minimum wage rate for large employers is \$5.15, for small employers with annual receipts of less than \$500,000, the rate is \$4.90
Montana	The State minimum wage rate is \$5.15, except for businesses with gross annual sales of \$110,000 or less, who are subject to a \$4 minimum wage rate
Ohio	State law - \$4.25 except for employers with gross annual sales from \$150,000 to \$500,000 who must pay \$3.35 per hour. Employers with gross annual sales under \$150,000 are subject to a \$2.80 per hour rate

For more on state minimum wages, visit www.dol.gov/esa/minwage/america.htm

EXCUSE MY ERROR!

In our last issue of *Labor News*, the headline for the article on page one should have read LITTLE ROCK OSHA OFFICE CONCERNED ABOUT EXCAVATION SAFETY, not EVACUATION safety. So sorry!

25 FASTEST GROWING OCCUPATIONS

According to the U.S. Department of Labor, Bureau of Labor Statistics, the projected numeric (in thousands) and percent changes in employment over the 2002-2012 decade for the 25 fastest growing occupations are:

Occupation	Employment Change 2002-12	
	#	%
Medical assistant	215	59
Network systems/data commun. analyst	106	57
Physician assistant	31	49
Social/human svc. assistant	149	49
Home health aide	279	48
Medical records/health info. technician	69	47
Physical therapist aide	17	46
Computer software engineer, applica.	179	46
Computer software engineer, systems software	128	45
Physical therapist assistant	22	45
Fitness trainers/aerobics instructor	81	44
Database admin.	49	44
Veterinary technologist/technician	23	44
Hazardous materials removal worker	16	43
Dental hygienist	64	43
Occupational therapist aide	4	43
Dental assistant	113	42
Personal/home care aide	246	40
Self-enrichment education teacher	80	40
Computer systems analyst	184	39
Occupational therapist assist.	7	39
Environmental engineers	18	38
Postsecondary teachers	603	38
Network/computer systems admin.	94	37
Environmental science/protect. technicians, incl. health	10	37



IN THE WORKS

✉ Nearly two-thirds of high school students who graduated in the spring of 2002 headed back to school – postsecondary school, that is – in the fall. A greater proportion of female than of male graduates (68 and 62 percent, respectively) set off for college campuses and thus continued a recent trend: college attendance rates for young women have been higher than those for young men nearly every year since the late 1980s.

✉ In 2002, the U.S. experienced 17,419 alcohol-related traffic fatalities, and research shows that alcohol is a contributing factor in 39 percent of all work-related traffic crashes. Each time an employee is involved in an impaired driving crash, businesses pay in the form of increased absenteeism and use of employee health benefits.

✉ The number of workers idled, the number of days of idleness, and the percent of estimated working time lost because of strikes and lockouts rose in 2003, but were still low by historical standards, the U.S. Department of Labor's Bureau of Labor Statistics reported. Fourteen major work stoppages began during the year, idling 129,200 workers and resulting in 4.1 million workdays of idleness. Comparable figures for 2002 were 19 stoppages, 46,000 workers idled, and 660,000 days of idleness.

✉ In January 2004, the South had the lowest unemployment rate among the four regions, 5.2 percent, followed by the Midwest at 5.5 percent, and the Northeast at 5.7 percent. The West continued to report the highest rate, 5.9 percent, despite a 0.4 percent point decline from December 2003.



LETTERS OF THE LABOR LAW

The Arkansas Department of Labor receives over a thousand e-mails each year with questions on various aspects of our state's labor laws. Daniel Faulkner, an attorney with the Arkansas Department of Labor, will clarify some of the more common areas of concern over the next few issues. The following is the second installment.

OVERTIME

Q: Am I Entitled To Overtime?

Most Arkansas employees are covered either by state or federal minimum wage and overtime laws. The general rule is that private employers are required to pay all "non-exempt" employees for all hours worked and time and

a half overtime for all hours worked over 40 in a workweek. Workweeks are 7 day/168 hour weeks typically based on the employer's pay schedule. Overtime hours are based on these workweeks. "Exempt" employees are not entitled to the same standards.

Being exempt simply means that you fall into one of the categories of employees that are not entitled to minimum wage, overtime, or both. There are exemptions under both state and federal law for minimum wage and overtime, the most common exemptions being the "white-collar" exemptions. There are also several "overtime-only" exemptions that apply to certain businesses.

White-collar exemptions

Employees that qualify for the white-collar exemption are typically administrative, executive, and professional employees. Outside commissioned salespersons also can fall into this category. These exemptions depend on what job duties you actually perform, not your title. Each exemption depends on a fairly complex legal definition.

Generally, these exemptions are based on the job functions each employee performs. Remember, the typical white-collar employees are administrative, professional, and executive employees. To be

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JEANETTE DONAHUE, EDITOR

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Organization _____

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City, State, Zip _____

E-mail Address _____

exempt, these employees must be placed on a true salary (same pay weekly regardless of hours worked), and they must perform specific duties to be exempt. It is important to note that "salaried" does not mean exempt, because being paid on a salary is just one of the requirements for being exempt. Additionally, exempt employees must be paid at least \$155/week for executive and administrative positions, and \$160/week for professional positions.

Further, there are ways that an employer can lose exempt status on employees. An employer can endanger this status by making certain types of payroll deductions for absence, or by allowing exempt employees to perform too much non-exempt work.

The United States Department of Labor has proposed a revision of the white-collar exemptions to simplify the definitions of each.

This measure has met resistance, and the future of the proposal is uncertain.

Overtime only exemptions

There is another, much narrower, set of exemptions for specific industries and specific employees. These are the overtime-only exemptions. There are roughly 30 of these very specific exemptions. For example, "any employee employed as a seaman," or "any driver employed by an employer engaged in the business of operating taxicabs." As you can see, these are very specific definitions. It is important to note that these exemptions are for overtime only. Employees that fall under these exemptions are still entitled to minimum wage.

This article is intended as general information not a comprehensive list of all

exemptions. Whether an employee is exempt can depend on a complex legal definition. Additionally, the state and federal jurisdictional issues can be quite important.

You can find more information at the Arkansas Department of Labor website at www.arkansas.gov/labor or at the United States Department of Labor (USDOL) website at www.dol.gov. For more information, you may also contact the Arkansas Department of Labor at (501) 682-4500.

Hiring Teens This Summer?

Call the Arkansas Department of Labor's Wage and Hour Division to get a free booklet on State and Federal Child Labor Laws.
Phone 682-4501